

REMARKS

In response to the action of February 22, 2010, applicants ask that all claims be allowed in view of the following remarks. Claims 36-51, 53, 57, and 59-65 are currently pending, of which claims 36, 57, and 59 are independent.

§ 103 Rejections

Claims 36-46, 53, 57, 59, and 60-65 have been rejected as being unpatentable over O'Brien (Computers in Business Management) in view of Gharavy (U.S. Patent Application Pub. No. 2003/0004840) and Lederer (U.S. Patent Application Pub. No. 2002/0023109) and claims 47-51 have been rejected as being unpatentable over O'Brien in view of Gharavy, Lederer, and Al Senia (The Internet Forefront). Based on the following remarks, withdrawal of the § 103 rejections and further examination are respectfully requested.

Referring to particular claim language, independent claim 36 recites a method comprising, among other things, tracking, by a computer system, information related to business transactions between an organization and a customer to identify a schedule of recurring transactions that occur in a lifecycle of business between the organization and the customer and determining, by the computer system, a next expected transaction between the organization and the customer and a second time period for completion of the next expected transaction based on the tracked schedule of recurring transactions that occur in the lifecycle of business between the organization and the customer and jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions.

The applied references are not seen to disclose, teach or suggest the foregoing features recited by independent claim 36. In particular, O'Brien describes a bill payment system that monitors for payments and sends a reminder when a payment has not been received and is overdue. See O'Brien at pages 297-298. Although the O'Brien bill payment system monitors for payments, the O'Brien bill payment system does not track information related to business transactions between an organization and a customer to identify a schedule of recurring transactions that occur in a lifecycle of business between the organization and the customer and determine a next expected transaction between the organization and the customer and a second time period for completion of the next expected transaction based on the tracked schedule of

recurring transactions and jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions. Rather, the O'Brien bill payment system merely sends a reminder when a payment becomes overdue based on a time frame set within a bill. To this end, the O'Brien bill payment system uses preset payment timing data to monitor a specific transaction, which does not involve identification of a schedule of recurring transactions or determination of a next expected transaction and a second time period for completion of the next expected transaction based on the schedule of recurring transactions.

In addition, the Office Action fails to reference any portion of O'Brien (or any other cited reference) in discussing the feature of determining, by the computer system, a next expected transaction between the organization and the customer and a second time period for completion of the next expected transaction based on the tracked schedule of recurring transactions that occur in the lifecycle of business between the organization and the customer. Office Action at page 4. Applicants submit that the failure to reference any teaching from the prior art in addressing this feature is improper and cannot support a *prima facie* case of obviousness. Specifically, the M.P.E.P. instructs that the "examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness" and that "the legal conclusion must be reached on the basis of the facts gleaned from the prior art." M.P.E.P. § 2142 (emphasis added). Because the Office Action has not provided any facts from the prior art in supporting the conclusion of obviousness, applicants submit that a *prima facie* case of obviousness has not been set forth.

Further, to support the conclusion of obviousness in the present rejection, the Office Action appears to rely on Rationale (A) "Combining prior art elements according to known methods to yield predictable results" discussed in M.P.E.P. § 2143. "To reject a claim based on this rationale, Office personnel ... must articulate the following:

- (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.”

M.P.E.P. § 2143.

As discussed above, the Office Action fails to reference any portion of O'Brien (or any other cited reference) in discussing the feature of determining a next expected transaction. Because the Office Action has not identified any prior art teaching for the feature of determining a next expected transaction, the rejection in the Office Action fails the first step of this inquiry because it has not provided “a finding that the prior art included each element claimed.” Therefore, the Office Action has not set forth a *prima facie* case of obviousness and the rejection of claim 36 should be withdrawn.

Moreover, the Office Action relies on Lederer for “expected transactions based on jurisdictional rules.” Office Action at page 5. However, Lederer fails to describe or suggest determining a next expected transaction between the organization and the customer and a second time period for completion of the next expected transaction based on jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions. In particular, Lederer describes a shipping service that facilitates compliance with jurisdictional rules in shipping orders. Lederer at paragraphs [0040] to [0042]. Although the Lederer shipping service determines whether a shipment is possible or if special shipping procedures must be followed according to jurisdictional rules, the Lederer shipping service does not determine a next expected transaction and a second time period for completion of the next expected transaction based on jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions. Rather, the Lederer shipping service determines shipping compliance for a specific order without regard for a time period for completion of a next expected transaction that is based on jurisdictional rules that define required time periods.

Gharavy, which is directed to determining whether a representative has met licensing requirements of a third party licensing authority, fails to remedy the deficiencies of O'Brien discussed above. Al Senia, which was cited for describing how a utility company switches to e-

commerce and interacts with customers over the Internet, also fails to remedy the deficiencies of O'Brien discussed above.

Thus, for at least these reasons, applicants submit that the applied references fail to describe or suggest tracking, by a computer system, information related to business transactions between an organization and a customer to identify a schedule of recurring transactions that occur in a lifecycle of business between the organization and the customer and determining, by the computer system, a next expected transaction between the organization and the customer and a second time period for completion of the next expected transaction based on the tracked schedule of recurring transactions that occur in the lifecycle of business between the organization and the customer and jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions, as recited in independent claim 36. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 36.

Independent claim 57, although different in scope from claim 36, recites features similar to those discussed above with respect to independent claim 36. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 57 for reasons similar to those discussed above with respect to claim 36.

Independent claim 59 recites a computer-implemented method comprising, among other things, tracking, by a transaction computer system, information related to business transactions between an organization and clients to identify a schedule of recurring transactions that occur in a lifecycle of business between the organization each of the clients and determining, by the transaction computer system, a next expected transaction between the organization and a client and a second time period for completion of the next expected transaction based on the tracked schedule of recurring transactions that occur in the lifecycle of business between the organization and the client and jurisdictional rules that define required time periods for completion of transactions that differ between jurisdictions.

Applicants submit that the applied references fail to describe or suggest at least these features for reasons similar to those discussed above with respect to claim 36. Therefore, applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 59.

The other rejected claims in the application are each dependent on these independent claims and are thus believed to be allowable over the applied references for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

Claims 61-65

Claims 61-65 were added in the amendment filed January 19, 2010 as an earnest attempt to advance prosecution. The Office Action, however, fails to address the additional features of claims 61-65. Instead, the Office Action merely indicates that the "[s]ame reasoning as applied to claims 36 and 59" applies to these claims. Office Action at page 12. Because claims 61-65 recite features that differ from those recited in claims 36 and 59, the features of claims 61-65 have not been addressed. Applicants submit that the failure to address the features of claims 61-65 is improper and respectfully request withdrawal of the rejection of claims 61-65 or provision of a new Office Action that properly addresses the additional features of claims 61-65.

Moreover, applicants submit that the applied references fail to describe or suggest the additional features of claims 61-65. For example, claim 62 recites tracking business transactions that have occurred between the organization and the customer to predict future transactions that are expected to occur in the lifecycle of business between the organization and the customer and setting the next expected transaction between the organization and the customer in accordance with the predicted future transactions that are expected to occur in the lifecycle of business between the organization and the customer. In another example, claim 63 recites tracking time periods of business transactions that have occurred between the organization and the customer to identify a timing schedule of transactions that have occurred in the lifecycle of business between the organization and the customer and determining the second time period for completion of the next expected transaction based on the tracked timing schedule of transactions that have occurred in the lifecycle of business between the organization and the customer. Applicants submit that the applied references fail to describe or suggest these additional features and, therefore, respectfully request reconsideration and withdrawal of the rejection of claims 62 and 63 for at least these additional reasons.

Conclusion

All of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply.

Pursuant to 37 CFR §1.136, applicants hereby petition that the period for response be extended for one month to and including June 22, 2010.

The fee in the amount of \$130.00 in payment of the one-month extension of time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

Applicants submit that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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